

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Appeal to the Board of Patent Appeals and Interferences

PATENT  
APPLICATION

In re PATENT APPLICATION of

Inventor(s): Reff et al.

Appln. No.: 09

Series Code ↑

DEC 04 2001

292,053

Serial No. ↑

Group Art Unit: 1644

Examiner.: M. Dibrino

Atty. Dkt. P 0275739

Client Ref

Filed: April 14, 2001

Title: Gamma-1 Anti-Human CD23 Monoclonal Antibodies and Use Thereof as Therapeutics

Date: December 4, 2001

RECEIVED  
DEC 06 2001  
TECH CENTER 1600, 2900

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

1. ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated June 4, 2001 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2. ☐ **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3. ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer- unextendable)
4. ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5. ☐ "Small entity" statement filed: ☐ herewith. ☐ previously.
6. ☐ Fee NOT required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

## 7. FEE CALCULATION

	Large/Small Entity	Fee Code
If box 1 above is X'd, ..... enter	\$320/160	\$320 119/219
If box 2 above is X'd, ..... enter	\$320/160	\$0 120/220
If box 3 above is X'd, ..... enter	\$280/140	\$0 121/221
If box 4 above is X'd, ..... enter nothing	- 0 - (no fee)	
<b>8. Original due date:</b> June 4, 2001		
9. Petition is hereby made to extend the original due date (1 mo)	\$110/\$55	115/215
to cover the date this response is filed for which the (2 mos)	\$400/\$200	116/216
requisite fee is attached. (3 mos)	\$920/\$460	117/217
(4 mos)	\$1,440/\$720	118/218
(Usable only if box 2 is X'd--- 5 mos)	\$1,960/\$980	128/228
10. Enter any previous extension fee paid <input type="checkbox"/> previously since above		
Original due date (item 8); <input checked="" type="checkbox"/> with concurrently filed amendment .....	-\$920	
11. <b>Subtract line 9 from line 8 and enter: Total Extension Fee</b>		+\$0
12. <b>TOTAL FEE ATTACHED =</b>		\$320

(Our Deposit Account No. 03-3975)

(Our Order No. 037003 0275739  
C# M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.  
**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.**

## Intellectual Property Group

By: Atty: Robin L. Teskin

Reg. No. 35,030

Tel: 703.905.2000

Sig: [Signature]

Fax: 703.905.2500

Atty/Sec: RXT/lak

Tel: 703.905.2200

**NOTE:** File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Mitchell Reff et al.

Appln. No.: 09

292,053

Series Code ↑

Serial No. ↑

Filed: April 14, 1998

Hon. Commissioner of Patents  
Washington, D.C. 20231

Group Art Unit 1644

Examiner: M. DiBrino

Atty. Dkt. P 0275739

M#

Client Ref

Appln. Title: Gamma 1 Anti-Human CD23  
Monoclonal Antibodies and Use Thereof  
as Therapeutics

Sir:

**REPLY/AMENDMENT/LETTER**

Date: December 4, 2001

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B & C  
See **Required**  
**Separate** Paper  
(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus 20	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	***minus 3	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....			add	+ \$280/\$140 =	+ \$0 104/204
5. Original due Date: September 4, 2001		<input type="checkbox"/> NONE			
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 = (2 mos) \$400/\$200 = (3 mos) \$920/\$460 = (Usable only for ≤ 2mo.OA --- 4 mos) \$1,440/\$720= (Usable only for 30 day/1mo.OA --- 5 mos) \$1,960/\$980=	+ \$920		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$0		
8.			Extension Fee Attached + \$920		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), .....			+ \$180	+ \$0	126
or if Rule 97(d) Request .....			+ \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r) .....			+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b) .....			x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE) .....			+ \$740/370	+ \$0	1179/1279
14. Petition fee for .....				+ \$0	
15.			TOTAL FEE ENCLOSED = \$920		

16. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975)

(Our Order No. 037003 0275739

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M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT **does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.**

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Robin L. Teskin

Sig:

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